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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/842,268 | 04/25/2001 | Carl A. Gunter | 53087-5003 | 5607 |

28977 7590 03/01/2005

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EXAMINER

BAUM, RONALD

ART UNIT PAPER NUMBER

2136

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,268

Applicant(s)

GUNTER ET AL.

Examiner

Ronald Baum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/19/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/19/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 19 October 2004.
2. Claims 1-9,13-21 are pending for examination.
3. Claims 1-9,13-21 remain rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9,13-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Lamming et al, U.S. Patent 6,144,997.
5. As per claim 1; "A method for controlling access to a service [Abstract, figures 1,4,5 and associated description, col. 1,line 16-col. 2,line 57] comprising the steps of:

(A) determining identity and key information of a delegatee [col. 10,lines 49-65, col. 11,lines 6-24, col. 11,lines 31-col. 12,line 4, col. 12,lines 43-50]; and

(B) delegating permission to the delegatee over a personal area network,

wherein said permission is represented using a digital signature and

wherein said permission relates to the service [col. 4,lines 43-66,];

wherein steps (A) and (B) are performed by a delegator that verifies said identity and key information through physical presence of said delegatee [col. 2,lines 6-57, col. 3,lines 36-

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58, col. 5, lines 45-col. 6, line 11, col. 6, lines 41-51, col. 7, lines 51-62, col. 8, lines 23-col. 9, line 29, col. 9, lines 66-col. 10, line 26,].”;

Further, as per claim 13; this claim is the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

6. Claim 2 ***additionally recites*** the limitation that; “The method of claim 1 wherein said permission relating to said service comprises permission to access said service.”.

The teachings of Lamming et al suggest such limitations (col. 2, lines 6-57, col. 3, lines 35-col. 5, line 17, col. 6, lines 1-11, col. 10, lines 25-42);

Further, as per claim 14; this claim is the system claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection.

7. Claim 3 ***additionally recites*** the limitation that; “The method of claim 1 wherein said permission relating to said service comprises permission to delegate one or more further permissions to one or more subsequent delegates.”.

The teachings of Lamming et al suggest such limitations (col. 2, lines 6-57, col. 3, lines 36-58, col. 4, lines 43-66, col. 5, lines 45-col. 6, line 11, col. 6, lines 41-51, col. 7, lines 51-62, col. 8, lines 23-col. 9, line 29, col. 9, lines 66-col. 10, line 26, col. 10, lines 49-65, col. 11, lines 6-24);

Further, as per claim 15; this claim is the system claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8. Claim 4 ***additionally recites*** the limitation that; “The method of claim 3 further comprising the step of:

(C) delegating to said one or more subsequent delegates one or more of said further permissions via electronic mail.”.

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The teachings of Lamming et al suggest such limitations (col. 2, lines 6-57, col. 3, lines 36-58, col. 4, lines 43-66, col. 5, lines 45-col. 6, line 11, col. 6, lines 41-51, col. 7, lines 51-62, col. 8, lines 23-col. 9, line 29, col. 9, lines 66-col. 10, line 26, col. 10, lines 49-65, col. 11, lines 6-24, whereas the “satchel” paradigm corresponds to the applicants email limitation as broadly interpreted by the examiner);

Further, as per claim 16; this claim is the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9. Claim 5 ***additionally recites*** the limitation that; “The method of claim 2 wherein said permission to access said service is limited in duration.”

The teachings of Lamming et al suggest such limitations (col. 2, lines 6-57, col. 3, lines 35-col. 5, line 17, col. 6, lines 1-11, col. 10, lines 25-42, whereas in the broadest interpretation of the phrase “limited in duration” in a PAN environment in an ad-hoc type of network authentication scenario, duration of communications and associated authentication (and therefore associated services and delegation) would be inherently limited.);

Further, as per claim 17; this claim is the system claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10. Claim 6 ***additionally recites*** the limitation that; “The method of claim 3 wherein said permission to delegate is limited in duration.”

The teachings of Lamming et al suggest such limitations (col. 2, lines 6-57, col. 3, lines 35-col. 5, line 17, col. 6, lines 1-11, col. 10, lines 25-42, whereas in the broadest interpretation of the phrase “limited in duration” in a PAN environment in an ad-hoc type of network authentication

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scenario, duration of communications and associated authentication (and therefore associated services and delegation) would be inherently limited.);

Further, as per claim 18; this claim is the system claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

11. Claim 7 ***additionally recites*** the limitation that; “The method of claim 1 wherein steps (A) and (B) are performed by a delegator that verifies said identity and key information only through physical presence of said delegatee.”.

The teachings of Lamming et al suggest such limitations (col. 7, lines 51-62, col. 8, lines 23-60 (“Mike and Richard” scenarios), figures 1, 4, 5 and associated descriptions);

Further, as per claim 19; this claim is the system claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

12. Claim 8 ***additionally recites*** the limitation that; “The method of claim 1 wherein the service comprises accessing content.”.

The teachings of Lamming et al suggest such limitations (col. 3, lines 35-col. 5, line 17, col. 6, lines 1-11, col. 10, lines 25-42, col. 11, lines 32-col. 12, line 57);

Further, as per claim 20; this claim is the system claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection.

13. Claim 9 ***additionally recites*** the limitation that; “The method of claim 1 wherein the service comprises actuating a device.”.

The teachings of Lamming et al suggest such limitations (col. 3, lines 35-col. 5, line 17, col. 6, lines 1-11, col. 7, lines 8-22, col. 9, lines 30-42, col. 10, lines 25-42, col. 11, lines 32-col. 12, line 57);

Further, as per claim 21; this claim is the system claim for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

Response to Amendment

14. As per applicant's argument concerning the lack of teaching by Lamming et al of "...delegating permission ... over a personal area network, ... using a digital signature ... verifies said identity and key ... physical presence of said delegatee ...", the examiner has fully considered the arguments and finds them not to be persuasive. The use of the "... be encrypted using shared key technology which is known in the art ..." (i.e., see col. 10, lines 49-65) clearly encompasses the 'digital signature' aspects, as broadly interpreted by the examiner, in that the use of a 'shared key' would inherently constitute a 'digital signature' (i.e., between, at the least, 2 mutually authenticated communicating endpoints). Further, the *claim language reciting* the use of the phrase "permission is represented using a digital signature" clearly could, in the broadest interpretation, encompass the whole of the permission (i.e., the referencing token aspect) of data being read as a signature in of itself. Therefore, the claims *reciting claim language* specifically dealing with the phrase '...digital signature ...' per se, is sufficiently broad such that the Lamming et al aspects of the shared key encryption system/methods, would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

The lack of *specificity in the independent claim language* as applied to the rejection aspects of the claim limitations dealing with "permission" similarly apply insofar as the permission is clearly, as broadly interpreted by the examiner, just an authorization to

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use/execute/inspect, etc., whereas Lamming et al clearly conveys such rights inherently by virtue of the fact that permitted data is transferred in the first place.


15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

16. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Ronald Baum

Patent Examiner